THE GRAND

Case of Conscience

Concerning the

ENGAGEMENT

Stated & Resolved.

Or, A strict Survey of the Solemn

League & Covenant

In Reference to the

Present Engagement.

Οὐδὲν πίστον ἔστι Ρωμαίοις πρὸς τυράννους οὐδ' ὅρκος. sc. *Cum Tyranno Romanis nulla fides, Nulla juris jurandi religio.* Brutus apud Appianum.

Tunc fidem fallam, tunc inconstantiæ crimen audiam si cum omnia eadem sint quæ erant promittente me, non præstitero promissum; alioqui quicquid mutatur libertatem facit de integro consulendi, meam fidem liberat; nam omnia eadem esse debent quæ fuerint cum promitteres ut promittentis fidem teneas. Senec. de benef. *l.* 4. *c.* 35.

LONDON, Printed by *John Macock* for *Francis Tyton*, and are to be sold at his shop at the three Daggers neer the *Inner Temple*, *Fleetstreet*. 1650.

Case of Conscience

Concerning the

ENGAGEMENT

Stated & Resolved.

Or A strict Survey of the Solemn

League & Covenant

In Reference to the

Present Engagement.

The Grand

Case of Conscience

Concerning the

ENGAGEMENT

Stated and Resolved.

AS there is no *Engagement* on man more sacred and solemn, then that which is contracted by *Oaths and Covenants*, (*God* himself being expresly appealed unto, both as Witness and Judg;) so there is nothing more dangerous and ensnaring, if not warily and honestly entred into, and kept, as well with a clear and sound judgment, as with pure and chrystal affections. The truth of this is evidently demonstrated in the late *League and Covenant* between these two Nations, *England* and *Scotland*; which although it wanted nothing of Ceremony and Solemnity in its administration, yet hath proved sad and ominous in the use and application of it unto this Common-wealth: And though it was first intended as the best and most proper *medium* of union and strength to both Nations against the common Enemy, yet hath proved (in several hands) a *stratagem* to obstruct the most prudential and providential essays of

perfecting the Peace and Happineſs of both; yea, is onely left as the laſt reſerve and ultimate plea of all ſorts of diſ-affected and abuſed ſpirits, who having (with little effect) made uſe of all ſort of weapons, would by it make us miſerable, by our own Conſciences.

It is not now time to look back, when this *Covenant* was made, and where, *viz.* in *Scotland*; or upon what occaſion it was entred into at firſt: I have ſo much charity to think there was on all ſides good and honeſt intentions active in the modelling of it, though ſome had their eyes in their heads, and many objections were made at divers expreſſions, and many deſires for explanation of ſome Articles more fully; yet it was not fit to inſiſt on them, our affairs not admiting any delay in our Brethrens aſſiſtance, nor their conjunction to be obtained without a Covenant, though the cauſe was common to both. But after it paſt the gulf, and was taken by the *Parliament* and *Aſſembly of Divines*, and honeſt men of all ſorts had freely lifted up their hands to God in it (not fearing the after-reckoning would be ſo coſtly and dangerous) every one began to make his advantage (through the multitude and ambiguity of expreſſion, moſt unſuitable to a *Covenant*, which ought to be plain and ſimple in its terms) and by it to promote his ſeveral intereſt; as if it had been made to engage unto a particular party, not to unite two Nations in a common Intereſt: Yea, ſo many ſeveral interpretations, variety of ſences, have been fixt upon it, as if it were intended rather for Debates then Obedience, and to exerciſe mens wits, rather then enforce their Conſciences to honeſt and neceſſary duties; yea (which we may remember with ſad hearts) *England* never knew what it was to have ſo many ſad diviſions of parties and intereſts, until the *Covenant* came, by the deſign of ſome diſguiſed Politicians, to be improved to ſome particular Intereſts and Parties, who inſiſting ſome on one Article, and ſome on another, in oppoſition to the reſt, as they ſaw their advantage, have divided the *Covenant* into ſeveral patts (to engage ſeveral parties;) others have made one and the ſame Article to ſpeak ſeveral Senſes, dividing the ſence from the words, torturing the very Comma's and Colons, making a ſeparation between them and the words, which they neceſſarily diſtinguiſh, and all but to ſtrengthen their own Intereſt, and deſtroy anothers; that the abuſes do ſeem to be worſe, and more heinous, then the breach of it would be.

The firſt and main advantage that was made of it was to ſet up the *Preſbyterial*

Presbyterial Government in *ENGLAND*, without any bound or limitation of the *Civil Magistrate*; and the *Scots* (who best knew the design of the *Covenant*) urge their pattern first, as supposing their Church to be the best Reformed: and so strongly and vigorously was it managed, that they got so far on the affections of the people by such pleas, that the brand of *Heresie* and *Schism*, in the first Article, was fastened on all those that differed or dissented in Discipline from that pattern; and so far on Authority, that none should either preach, or be fit for any place in Government of *State*, but he that subscribed to that sence; That moderate and wary spirits, (which through Reason and Conscience differed onely in these circumstances) had nothing to relieve themselves by, and avoyd the direful sentence of perjury, layd on them, for not bringing up their Congregations to the *Presbyterial Model*, but onely that clause which was (happily inserted) [*According to the Word of GOD*;] But to salve that, and press on the former Interest, the Reformed Churches were brought in (and not onely *Scotland* proposed) as the main and absolute Rule, and the Word of God to be exegetical and expository, virtually included in them: and so vehemently hath this first Article been prest to that Interest, that all union besides, and agreement in Doctrine, and the absolutes and necessaries of Religion have been accounted of as low and ordinary, in comparison of it, that most men have thought it was a design either to make men doubt that there is any Church-Government *Jure Divino*, or else that any will serve the turn, which is but popular, and suitable to a present Interest.

And of such a fundamental consequence hath the *Covenant* bin judged in *Scotland*, that they used it as the characteristical difference of all persons both in Church and State, and looked on it as the best constituting principle of Saint-ship and holiness, and the visible qualification of members of Churches, and as the onely way of admission at first, or re-admission on relapse; for when in the first expedition many had revolted from them to the common Enemy, and were excommunicated, both whole Shires and Parishes, It was put unto the question in the General Assembly, What way should be taken for the Tryal of their *REPENTANCE*, and to receive them in again? It was absolutely carryed by Vote, by a new taking of the *Covenant*.

And that there might be no further difference between *England* and *Scotland*, it was often urged, that by it we might be made one Kingdom, and no more be distinct in Priviledg, seeing we were all one by *Covenant*, that the name of great *Britain* might contain us all, yea by the *Covenant* our brethren challenged a Priviledg in framing our own *Propositions* for our *own safety*, and to determine what we should *Propose*, and what not, with the Order and method of them, and a mutual disposal of the *Offices, and Officers*, with the rest of our affairs, claiming an equal share in all our *Priviledges*, and the management of the *Government* it self.

The next, and more special use of it, was to further a *Personal Treaty*, wherein the *Scots Commissioners* had the principal hand, as being most privy to the first intention of its compiling: For when the interpretation of the first *Article* was out of credit, and the disguise of it pluckt off by that expression, *The word of God*, that the *Ecclesiastical mediums* would not serve the turn, they fall on another *Article*, wherein they finde but only a bare mention of the Kings Person, (charitably, and yet limitedly inserted) and propose, and press the Parliament upon pain of perjury, and without any reserve, unto a *Personal Treaty*, waveing the safe and best resolv'd on way of Treating by positive, and Fundamental *Propositions*: And so eager and fierce were they on it, that the *Commissioners* in the name of the rest, in that notable *Remonstrance* of theirs for a *Personal Treaty*, quoted the name of the *Covenant* more then Twenty times in one Page, and tax the Parliament with *breach of Covenant*, but for omitting a supposed method, not placing of it in that order in the *Propositions* which they thought most fit, urging still no way of fulfilling the *Covenant* but by *Personal Treaty*, forgetting all the rest of the *Articles* that speak of *Religion, a Common Enemy, the Priviledges of Parliament, of bringing Delinquents to Justice*, and so *procuring Liberty*; but these were first in intention, and must be last in execution.

The next party that entered the stage with the *Covenant* in their hands, was the old *Malignant* and *Common Enemy* (who waited on our trifling *Transactions*) who seeing what use was made of it by the *Scots Presbyterian Party*, and how nigh the *Commissioners* of *Scotland* had driven it to their interest, emprove all their former *Transactions with the Parliament*, and on that stock graff a design of a new and bloody *War*, and the scean being changed from *England* to *Scotland*,

Duke

Duke *Hamilton* (having got the major Vote in the Parliament) Levies an Army of *Scots*, who joyning with Sir *Marmaduke Langdale*, and other desperate English *Malignants*, enter *England* with a great Army, seconding the *Commissioners Remonstrances*, using their own expressions in their Declarations, holding forth the *Covenant* as their *Ensigne* both of *honesty*, and hopes of *Victory*, professing to be moved to that expedition by nothing but the *Covenant*; and for more effectual prosecution of the ends of it in a *Personal Treaty*, to suppress *Heresies*, and *Schismes*, and settle the affairs of the *Church in greater security, and beauty, free from Error* or *Faction*: Thus the *Covenant* was used, (and in as good words) to maintain the *Malignant interest*, and to unite the *Common Enemy* both in *Scotland* and *England*, which was intended against both; and though many of the *Kirk* disclaimed these proceedings, and saw the disguise rather in the *Persons*, then the *things*, yet they profest, and acted no more above board, then their own *Delegates* had beforehand with publique approbation by them, and intentions are only known unto God.

Thus hath this *Solemn League and Covenant*, which our Brethren and others may well call *Sacred*, and the most sure engagement between creatures in this world, been by every hand made common, and prophane, ravished by the interest and ends of sinister and self-ish Spirits; tost up and down, and turnd, as a nose of wax, into the form of every design; yea, so abused and rent one part from the other, the *Means* from the *End*, and one Article from another, that it seems to have no more substance left intire, then what you find preserv'd in the *Stationers shop* by a true impression, or in the *Churches*, and *Publique places*, by the careful hands of the *Wardens* kept untorn; nor any more *Soul* and *Life* in it to bind a mans Conscience, then only what the *disaffected Spirits* of some persons have of late breath'd into it.

But the last and worst abuse of it (which may well be put down *Instar omnium*) is, That it is now sent forth as a Bull, to denounce the *Dreadful sentence of perjury on the Parliament, and High Court of Justice*, for taking away the Kings person, and as the great obstruction, and plea against compliance with this present *Government of a Common-Wealth*; and is so ordered in this last use, That when through the glorious actings of *Providence* we have escaped the *Common snare*, we must by our own *Consciences* be made *Religiously miserable*: And how sad must it needs be to all honest hearts, That the *Covenant* which

was

was at first intended as the most adæquate means of peace and happiness to these two *Nations*, should at last be formed into an *Engine of division*, and the greatest and only *Impediment* to a compleat *Setlement of Peace*, and administred as the last Cordial to revive the lost hopes of our *dying Enemies*? And after we have (through God) struck out all the *Carnal weapons* out of their hands, yea, separated the *Head from that great body*, we should furnish them with refined and *Spiritual Artillery*, and having cast off their *chains*, should bind our selves by the *wriths of Circumstantial*, and supposed *Ingagements*. What are now the cryes and *Lamentations in prayers*, and *Pulpits*, but the breach of *The Solemn League and Covenant*? all the discontents, Animosities, disobediences to *Authority*, take their Sanctuary in the *Covenant*; there they are maintained and live, and at length are resolv'd into this *Grand case* of *Conscience*, viz:

Whether we may without perjury submit to the Government of a Common-wealth, and take the new Ingagement enjoyned by the Parliament, seeing they have taken away the Kings Person whom we Covenanted to preserve, and have altered the Government, all which is contrary to our former ingagements in the Covenant?

Though this be an old way used by most men to countenance their dislike of present duties, by flying to *conscience & urging former ingagements*, as the *Malignants* did against the first *Protestation*, and of late against the *Covenant*, pressing their former *Ingagements* by the Oathes of *Supremacy and Allegeance*: Yet because it is the utmost, and last Plea that can be made against this *Government*, and that honest and *Conscientious men* (with whom I only desire to deale in this discourse) may see what a weak *Foundation* they build their *disaffections* on, and how little reason they have to stand off from obedience to this present happy setled Authority, notwithstanding all that they have been formerly bound unto by *The Solemn League and Covenant*, I shall offer to their view these following considerations about the nature of *Obligations by Oathes and Covenants*, the ignorance or mistake of which, is the cause that men either bind themselves to what they should not, or else look on themselves as bound when they are free.

An *Obligation* is nothing else but a bond or tye on men, to do or omit any act, the force of which is to contract and fix the strength of mens abilities to some certain object, and manner of acting, or utterly to restrain and keep in that power from the doing of any such act which is *mutable and contrary*.

The

The most usual distinctions of such *Obligations*, are by *Promises, Oathes, and Covenants*, which do not differ in their nature, but in the *Solemnity* of *expression*; a promise bindes as well as an Oath, but the one bindes with more *Religious ceremony*, an *Oath* being a *Religious Act* whereby we bind our selves to the doing, or omitting any Act, *Deo teste, & vindice, Gods name being invocated to judge and revenge, if there be any guil in the intentions, or Wilking defect in the performance*; and the same is implicitely in every promise; for what I promise I mean to perform as in the presence of God; and my Conscience as *Gods Vicegerent*, takes Record of the Act as if it had been expreſt; only an *Oath* by its publique and Solemn addition of Gods name, doth more fix the *Obligation* on the heart, and makes men more careful out of fear of punishment to perform.

But as in all Acts which are imployed about any Object, there is a presupposal of some formal reason, which is the ground of the Act, and unto which the Act must necessarily and *sutably answer*; so much more *in Obligations*, by any *Moral* or *Religious Act* (wherein the best of our understandings and hearts should be imployed) must there be presupposed some fundamental *Consideration* and *Reason*, which gives life and power to any such *Engagement* for which a man doth engage himself: Else no man can act *Rationally*, or *Honestly*, or swear in *judgement* or *truth*, nor perform *in righteousness* the three absolute requisites to the *Obligation* of any *Promise* or *Oath*. Therefore there can be no *Obligation* to what is in it self sinful or unlawful, or what is impossible to be done, because there is no reason to bind a man to it, neither can that be the *Object* of *Obligation* which God harh forbidden, or hath not given ability to perform, or what may cross any moral or absolute good.

And these formal *reasons* or *conditions*, are either so in regard of the *Objects*, as flowing from the nature of the things themselves to be done, and so are essentially annexed to them, that they are absolutely *Independent* from any *Human will* or *power* to alter and change them, or disingage men lawfully from them.

Or else these reasons are not simply and necessarily annexed to the nature of the *Object*, but may be added at pleasure, and no *Obligation* ariseth from the thing it self until it be made by us.

Of the First sort are all Divine *Acts of Worship*, and all the *Moral* rules of *Honesty* and *Goodness* which do binde for ever,

UMI - 1994

and at first sight, (no other reason intervening) but what they carry in their own natures; therefore is not left to any humane power or arbitrement, whether they shall worship God, or in what form, and way, whether men should be temperate, and just, and honest, and do acts suitable to these, the mention of them doth oblige all men to conform their wills and practise to them, and yet oftentimes (to help our natural dulness and indisposition) we bind our selves again to these things we were formerly and necessarily bound unto, that we may be more hearty and careful in the performance of them, most men thinking they are bound unto nothing so strongly, but what they bind themselves unto, and by their own consent stablish as a Law.

But these *Obligations* which are of the latter sort, do only depend on our *Wills*, and *Voluntary judgements*, and are then *Valid*, when the *Object* of them is *good*, and *honest*, and the *Conditions* on which they are made be kept.

And because the *Object*, and matter of these *Obligations*, being *Humane affairs*, are changeable, and subject to several perplexities in the mannagement, and under many casualties (being rather intended as *Mediums* to other good ends, then having any *real excellency* in themselves) no man can judiciously, as a *prudent*, and *knowing man*, bind himself absolutely, and swear to the performance of any such thing for the future; for the matter it self is *obnoxious* to *Providence*, and to be changed whether the person will or no; and that which is for present, necessary and convenient (in these things) are *in materia contingenti, for the future contingent*, and hazardous afterwards, and the *Object* is in its nature separable from the *Oath*.

And as some things carry their reasons with them, and need no act of ours to stablish them in their Authority, and just *Obligation*; so other things have their reason of *Obligation* from us, and are only *binding*, as they are fit means to attain to more *Fundamental* and *necessary ends*, and their reason lies in their conveniency, and proportion to *moral* and *honest effects*.

Hence it follows, That these special reasons, or absolute respects ceasing, the *obligation* which is drawn from them wholy ceaseth also, these *Principles* being not only as *Causa sine qua non*, without which no man would ingage, but constitutive principles of the goodness of the *action*; for by the absence of these, the whole *Essence* and *Nature* of the thing is changed as in respect of *Obligation*, for there is nothing

nothing left in the nature of the matter to oblige me to it, and the first and only *Reason* that ingaged me is taken away, which doth not hold the same in all *circumstances*, which *accidentally* and *occasionally* adhere: For the destruction of them doth not alter the *Nature* of the thing it self; as he which takes away the *Rational soul* destroys the *Man*, but not he that takes away his *Beauty*, or acquired learning.

It is therefore apparent, and undeniable, That in all *Obligations* there must be some *conditions* either *punctually* expreſt, or *tacitely* imply'd, which are as first motives to *actions*, and the only ground for which they are to be *Acted*, and according to the terms, and respects of which they are to be performed, which being either not kept, or removed, the *Obligation* is no more: for this *Condition* is so *essential*, and so fixt in the heart of him which is *ingaged*, That if it be lost, the whole *Foundation is overturn'd*, and the man cannot act as a man, or as a *Christian* afterwards, notwithstanding his *verbal ingagement*; and take it whether *tacitely, or expresly*, yet without such a *condition*, no man would ingage in such an act; neither hath the man a mind to do it, (other things considered) though he may have a full power of effecting it.

And therefore its concluded by the most *Criticall Casuists*, That if the thing alter and change from what it was in the eye when the *Obligation* was made, the *Obligation* is also null; for that thing is not *in rerum natura* which I *ingaged* my self unto, or if it have a being, yet is under another form, and shape, different from the first *reason*, and *ground* of my *Obligation*; and no man can be *obliged* unto that which he never thought of, or when he doth think of, *abominates*; therefore its unlawful and most *deregatory unto Reason*, that any man should bind himself to all *cases*, and *circumstances*, come what will come, or notwithstanding what ever may fall out; for in the most peremptory, and *absolute obligations*, wherein there is scarce a *condition* (through *love* and *modesty*) conceived, yet men are not bound to all *emergencies*, *casualties*, *circumstances*, but only so long as the *Special*, *and formal reason* remains intire, and whole, and only unto these cases, unto which the *Foundation* will extend. Thus some *Obligations* are made absolute, not because there may not possible be an excepted case, but because the very mention, or supposal of the Condition, may create suspicion, and jealousie, and seems to be so much against nature, that no *ingenious*, or

modeſt heart will admit the thoughts of them, therefore they are utterly omitted. As for example; Man promiſeth ſimply, and without *condition*, never to depart from his wife as long as he lives, which yet contains a ſecret condition, *if ſhe behave her ſelf as a wife*; the expreſſion of which condition, that love and endearedneſs to her would not admit, no not of the thought; and the very apprehenſion of it would be a temptation, and moſt contrary to the unprejudiced and ſingle thoughts of lovers, and moſt diſſonant to that *ſimple & individual union* between man, and wife; among whom there ſhould be but one Soul in two Bodies, or one body acted by two *united Spirits*; and yet if any wife ſhould *commit Adultery*, or ſeek to deſtroy her *huſband*, (things that the *pure and chaſt intentions of love* durſt not ſuppoſe, yet may be poſſible *in corrupted nature*) he is free from all other Obligations to her, ſhe having *unnaturally*, and beyond expectation diſſolved the union by deſtroying the main ends of *marriage*, which are *communion*, and *mutual comfort* and preſervation; and ſo having acted contrary to the *Fundamental* reaſon of that Obligation, hath *ipſo facto* put her ſelf into another condition, and diſcharged by her own act, all former *Ingagements*. The like may be ſaid (as hereafter) between King and people.

Hence therefore its demonſtrative, that if any through ignorance, or overactings of a deſign, ſhould not foreſeeing the nature of things, or forecaſting events, ingage himſelf to two things imcompoſſible, or which through any neceſſity of divine *acting*, or in the order of *natural* and *moral affairs*, ſhould prove inconſiſtent by ſome ſpecial emergence; he is bound to omit that which is leſs principal, and perform that which is moſt poſitive, and neceſſary. As ſuppoſe one in taking the degree of Doctor in the *Popiſh Dominions*, (as its uſed in the form of their *Oaths*) doth ſolemnly bind himſelf *to embrace the Doctrine of Chriſt, and as much as in him lies, to promote the Doctrine of the Church of Rome*, which is really contrary to Chriſt; doth not ſound *Reaſon*, as well as *Chriſtianity* teach us, That he is only bound to do the one, and neglect the other? And though the thing we ſwear to perform, be not in it ſelf unlawful, but *magis bonum morale impediens, hindering a more ſpecial good*, as *Grotius* (*lib. 2. de jure Belli, & pacis, p.* 245.) well obſerves: the *Obligation* ceaſeth from that, and is neceſſarily contracted on that which is moſt neceſſary and beſt to be done. If this were not ſo, in the multiplicity of *humane tranſactions* moſt men would be bound

bound only to one act, and so be kept from performance of all other *duties* which did not depend on that, or were not *Subordinate* to it; and by one *ingagement* (though it may be hastily entered into) a man must be for ever unuseful in matters of higher, and more peculiar *importance*, and have no remedy, no not of *repentance* and better thoughts for his suddain surprizal.

And as no man is bound thus to any thing less considerable, or opposite to a Common and publique good, so neither can there be any *Obligation* to any *medium* which any man hath bound himself unto, if by that means he cannot most *effectually obtain the principal end*: as if the *Hebrews* had by *Covenant ingaged* unto *Pharoah*, that they would use no other *mid-Wifes* but the *Ægyptian women*, the edict being proclaimed *of killing all the Male children*, they were disobliged from any *necessity of obeying it*, it being contrary to *principles of nature*, (which must be first served) whereby all men are taught to preserve by the best ways they can themselves, and what is properly their own; and had they kept such an *ingagement*, they had been not only *witnesses* of, but *legal complotters* in the murther of their own children.

By all this we see as it falls out many times, That even *Scelus est fides, the very swearing is sin*, as *Seneca* (*lib.* 2.) expresseth it; so as *Ambrose* saith (*off.* 1. *c. ult.*) *est contra officium nonnunquam solvere promissum, juramentum custodire, it's sometimes against a mans duty to keep his promise, or perform his Oath*; and in the most solemn *ingagements* (especially about *temporary*, and *controvertible* things:) the first grounds and reasons must be most weighed, (omitting prejudice, and accidents) and what is most positive, and humane, insisted on, and adhered unto.

By all this I may seem but to waste paper, and take up time, but I hope the application will make amends for the defects in the doctrine: having laid this *general foundation*, let us now come particularly to see how far we are ingaged by this *Covenant* unto the Kings Person, and his Posterity, and *Monarchichal Government* in them, and how far we are free and disingaged from them, and at *liberty* to imbrace any other form of *Government*.

To this purpose let us as warily view the *Covenant*, as we have done the nature of *Obligations*, and consider the matter, and ends of it, and we shall finde in the Preface and Contents these formal Reasons positively expresst, *The honour of God, the safety of the two*

MI - 1994

Nations in the *preservation* of *Religion*, and *Liberty*, which were first in the eye of the imposers, and the *golden apples* cast before us, to *allure* us unto the *ingagement*, and are as the *vital spirits* that run through every *vain* of it, without which it were but an unnecessary and *dead ceremony*. And these being as *Fundamental to the Obligation* of the *Covenant*, as the form in *Phisicals* to the constituting of a *distinct being*, the whole strength of the *Obligation* lies on it, and only unto the performance of these *things*, which are most apt to effect these *ends*; and if any thing we have *ingaged* our selves unto, shall be found either not fit to promote these, or destructive to them (though at first they have seemed never so convenient, and plausible) they must be removed out of the way, as diseases in the body, which hazard the dissolution of the union.

This being laid as the *Primum mobile* of the *ingagement*, and set in the *Covenant as the common centre*, many lines were drawn towards them on every side, in order to an union in the first principle, and many Articles proposed as *mediums* thought most sutable and necessary to advance these ends.

And as these ends or first reasons were of two sorts, *viz: Religion, and Liberty*, the means were proportioned (as was then thought fit) for the happier effecting both.

Religion being chief, it was first proposed, and the preservation of it taken care for more expressely in the first, and second *Articles* against the *Common enemy* (who was then well known:) and as in order to that, we *ingaged* to a *Reformation* of it in *Doctrine* and *Discipline, according to the word of God, and the best Reformed Churches, to extirpate Popery, Heresie, Episcopacie with all its attendants*, that being unto Religion as the *suckers* to the tree which diverts the moisture from the natural branches, and by this we thought Religion sufficiently provided for in its preservation, and *Reformation*.

The next in order was *the just Liberty, and Freedom of the Nations, and the advancement of it*, & as *mediums* unto that, the *Covenant* in the third and fourth *Articles*, as most absolutely necessary *to preserve the Priviledges of Parliament*; and because we would let nothing out that might be probable (though *ex suppositione remota*, and from a strain'd charity) we ingaged *to preserve the Kings person*, yet with a wary *Salvo, in the preservation of Religion, and Liberty*.

And lastly, to prevent any design against both, we *ingaged to discover*,

ver, and bring to condign punishment, all Delinquents and Incendiaries that acted contrary to these proposed ends.

Thus you have the whole Covenant anatomized, the two great pillars on which its Obligation stands, which though of different Natures, yet are inseparably united to the preservation of each other; Now if any thing without should oppose either Religion or Liberty, or any thing in any Article expresst should afterwards prove malignant to either or both, or interfer with any other Article which hath more of the efficacy of a *medium* to these ends, the Obligation to that ceaseth, because it will destroy the Formal Reason by which I am obliged. Thus it will follow, That if the Kings person, which we are engaged to preserve, (take him in his best capacity) shall set up Popery and Prelacy, contrary to Religion, and advance Malignancy and Tyranny, contrary to Liberty, we have no Obligation by the COVENANT to preserve him, seeing he is destructive to these absolute Ends, for which, and in the PRESERVATION of which, we engage to preserve Him.

But that we may deal plainly and freely in a Case of Conscience, let us a little compare the King, and his actings, more particularly with the Covenant, and we shall finde at last, that we are not onely not engaged to preserve him, but bound by the strength of the Covenant to cut him off, as a dead member that is gangrened.

I have often wondered out of what sort of charity or design the Kings name was inserted in the Covenant, as distinct from the Common Enemy (against whom we were first sworn) seeing he was the Head that gave life and motion to every part of that Body, (without whom they were but as a great Body without Soul or animal Spirit) they onely fought under his Banners, for his Interest, in opposition to the first grounds of the Covenant, to distinguish the Head and the Members in one Common Cause, and to swear against the one, and swear to preserve the other, was too great a Criticism to be put in an Oath that must binde the Conscience. For my part, from the first I saw that name there (considering the state of Affairs then) I looked upon him as SAUL among the Prophets, or as in superstitious times they set up stately Images to draw men to Church, and more to reverence the place; or as sugar put on bitter pills to make

make them down the better, with leſs ſcruple of the palate, or nauſeouſneſs of the ſtomack: And if I may uſe the words of Learned *Calvin*, in another caſe, which you ſhall finde in his Epiſtle prefixed to his Commentary on the *Corinthians*, having been forc'd to change the Dedication, and alter the Title of it which was in the firſt Impreſſion, he to whom it was firſt dedicated proving an Apoſtate: *Utinam* (ſaith he) *quo primum tempore in lucem prodiit hic Commentarius, vel mihi ignotus, vel ſaltem probe notus fuiſſet ille cujus nomen huic paginæ hactenus inſcriptum nunc delere cogor:* It had been happy for *ENGLAND* that we had either not known him, or known him better (as we had Reaſon) and either wholy let out his name, or had better reaſons to have put it in; for he ever ſtood as the great *errata* in it, and we might eaſily have fore-ſeen what end he was deſigned to make, which had ſuch a beginning: But however, though through hope and charity his name was inſerted, yet now Reaſon and Conſcience, yea the *COVENANT* it ſelf, hath given juſt grounds to blot him out, he being the onely obſtacle to attaining all the honeſt and neceſſary Ends of it.

Let us but (without prejudice) view, how that one name, and the preſervation of it, ſtands oppoſite to all the other Articles and expreſſions in the *COVENANT*, and makes them all uſeleſs and of no conſequence, that there is an imcompoſſibility of keeping our Engagement to him, and to keep the others.

Firſt, for Religion, and theſe Articles which are ſworn unto in order to its preſervation, the preſervation of the Kings perſon would directly be the overthrowing of them: we had abſolutely ſworn to extirpate Popery and Prelacy without any limitation, which could not poſſibly be done with the preſervation of his Majeſties perſon; for Popery, though I cannot tax him with the profeſsion of it, yet many correſpondencies have been between him and *Rome*, and *Spain*, even from a childe; his QUEEN a profeſt and Jeſuited PAPIST, who not onely lay in his boſom, but ruled and guided moſt of his counſels, that you muſt have either left him a Husband without a Wife, and have divorced him from his own Soul and Self, (and from her whoſe he was eternally) or elſe grant at leaſt a *TOLERATION* to POPERY, after we had ſworn againſt it; Beſides his MAJESTY was in Debt; and ſo far

in

in Arrears to the Popiſh party in England and Ireland, for their faithfull ſervices to him, that he could not be free of regall promiſes, and Covenant-Engagements to them, which muſt have been remembred upon every advantage, neither could he in honour or ingenuity have conſented to extirpate them, who had ſo great an influence to his affairs, and ventured ſo hard for his Prerogative; thus the King and the firſt and ſecond Article are become incompetible, cannot ſtand together, and be both preſerved.

The next thing we ingaged in order to Religion, was the extirtion of Prelacy, and all that Hierarchy, as that which hindred the ſtrength and growth of the power and life of it, which could not be hoped for, with the preſervation of his Perſon, nothing being ſo dear and precious in his eyes, or more ſacred then that Order, and he profeſt, never to give conſent to abolition of it, though he was willing to have a reformation of it, or to give a toleration or triall to Presbytery, untill he could get power enough to ſet up the other; ſo that what would become of the two firſt Articles, while the Kings name ſtood in force in the Covenant, except Popery and Prelacy could help to the reformation and eſtabliſhing of Religion? And as the religious part of the Covenant would not onely be weak'ned, but abſolutely deſtroyed, ſo the ſecular and humane part, *viz.* the preſervation of Liberty and Freedome, and all the Articles concerning it, could not be kept, or poſſibly be made inſtrumentall to their end, if his Perſon were preſerved; for beſides the firſt wide breach he made on the Liberties of both Nations by his tyrannical Power and Prerogative, after we had wrung the weapons wherewith he fought againſt us, out of his hands, and had tendered to him by Bills and Propoſitions once and again, the juſt foundations of our Liberties and Freedom, he continually refuſed to ſign them, and onely pick't out ſome which we could beſt ſpare, and went on in raiſing of a ſecond warre, that we had almoſt loſt both name and thing. And whereas we had ingaged to preſerve the Priviledges of Parliament, it was impoſſible we could do it, while he ſtill retained his power of a Negative voice, and challenged a right in ordering the affaires of the Kingdome by a Supreme power; much leſſe could we imagine to bring Delinquents to juſtice, while he himſelfe was the

head of them: And if the native and true sense of the Covenant be the maintenance of Religion and Liberty, against a common enemy, and the King hath proved the chiefe and most dangerous Enemy against both, doth not the Covenant oblige all men against him? yea, to remove him out of the way, that all the other Articles may have their full power, tye and efficacy, and the ends not have their authority and goodnesse subordinate to one rash expression? The putting his name in the Covenant shewed enough the reall desires we had for his safety, and happinesse, (though there was too much ground of suspition, yea for unbeliefe, that he would never prove instrumentall) and too much honour and respect to be given to the first and grand enemy of both Nations; but it would be sad and desperate, that our love and good hopes should be so ill requited, as to be left remedilesse, and at a perpetuall losse in all our concernments by one exotick name thrust into the Covenant, the verie mention of which, expunges all the other Articles.

If experience or sense could open our eyes, we must needs see that there was nothing the King hated so much as the Covenant, yea, so hated it, as it's thought he ever loved his name the worse after he saw it there; and if his Εἰκὼν Βασιλικὴ may be his judge, that supposed booke of his, which most of his friends owne, there is nothing he spends his venome at more then Covenant and Presbytery, as if he had an Antipathy to both, not a sigh of sense ever came from him for all the blood shed, nor a repenting expression for any Act done, but his consent to the Bill for taking off the Earle of *Straffords* head, being more touch'd for a Parasite then the ruine of three Kingdomes; not any thing could ever be gotten from him in consent to any Bill or Proposition proposed for our Liberties, but came as a drop of blood from his heart, and as under force, with many premeditated reserves, and at last sealed his Prerogative with his own blood, without shewing the least remorse for former Acts, or acknowledging any boundary to his will but God himself.

And yet this man (as if he were the *unum necessarium*, and all Religion

Religion and Liberty were essentiall to his Person) must onely be lamented, and all the breach of Covenant fast'ned on the Act of Justice on him, without which neither the Covenant or any Article in it could be dutifully performed. And how much have men lost of their understandings, and the puritie of their affections to the Covenant, that shall be willing to have the Covenant rejected, and all the ends and ingagements of it broken, so they might have but one expression preserved? Had the Parliament given a toleration to Popery, set up Prelacy, protected Delinquents and Incendiaries, that our Religion and Liberties might have been pluck't up by the roots, and set up the King in his Throne, and intail'd the Crowne more firmly on his posterity, notwithstanding all these considerations in the Covenant, besides, taking hold of that one clause; would the Covenant have been then kept? let all honest men judge; and yet they had done all these vertually, and would have done them really in time, had they but complied with the King, or done any otherwise to him, then passing a legall and judiciall sentence on him.

But we need go no further then the words of the Ingagement concerning the King, which are very observable, and will end the controversie if honestly observed: For whereas all the Articles of the Covenant are positive and absolute, Religion to be reformed according to the Word of God, Popery and Episcopacy to be extirpated without any distinction, the Priviledges of Parliament to be maintained, Delinquents and Incendiaries to be brought to justice, without any discrimination or favour, when we come to Covenant concerning the Kings Person, (as justly fearing, if not fore-seeing what he would prove) it's with an expresse restriction, and his whole Person and concernments wrapt up in this clause: *In the preservation of Religion & Liberty*, which was not only an Exposition of what we intended concerning him, or only a limitation, or qualification of our endeavours concerning him, (though that were enough) but an absolute and expresse condition and determination of the way and meanes of preserving him only in the preservation of Religion and Liberty, in which

he was included as the leſſer in the greater; that if theſe two cannot be preſerved in preſerving him, he is left alone, for they are not to be preſerved in him, but he in them: And this condition is ſo plaine, that you muſt either be bound to the King abſolutely, without conſideration of Religion or Liberty, or muſt when they become incompoſſible, ſtick to that which is principall, and of moſt concernment; and if this clauſe had not been either expreſt or ſuppoſed, no knowing man who loved his conſcience could ingage, that being the fundamentall reaſon of our Engagement, neither can it be well ſuppoſed that moſt of the godly and underſtanding people of both Nations vvould deſperately ſvvear avvay all the priviledges both of Religion and Liberty, in a kind and loving mood, and to preſerve the Kings Perſon, prove he Tyrant or Turk, which they muſt needs do, if they did not ingage to preſerve the King in the preſervation of Religion and Liberty; ſeeing therefore that theſe were the eſſentiall conditions of our Obligation to his Perſon, and they have grown incompatible together, yea diametrically oppoſite, and the ends primarily intended in the Covenant, could not be attained without removing his Perſon, vvho hath ſo little reaſon to doubt, but vvith a good conſcience, yea by the very conſtraints of conſcience, vve are diſcharged from that part of the Covenant, and capable of cloſing vvith any other that is more fit to proſecute theſe ends.

So that you may novv perceive that the Kings name vvas in the Covenant but as a ſeparable accident in its ſubject, *Quod poteſt adeſſe vel abeſſe ſine ſubjecti interitu*, the Covenant ſtands firme on its true and ſound baſis, and is kept in its beſt intentions and ends, though his Perſon be removed, and that elſe the Covenant it ſelf vvould have been a meer Skeleton and religious cypher, that could neither be rationally binding, or poſſibly kept.

Neither can it be by any obſervant eye conjectured, that his Son ſhould promiſe better things, (by vvhom the Succeſſion is challenged) yea farre leſſe may be expected from him, vvho hath naturally ſucked in all his Fathers principles, and been at a greater diſtance from all good counſell and advice, and hath had the moſt deſperate of the firſt Incendiaries to breed him up, and be his only counſell, that nothing but the change of the Government can free

free us from the ſucceſſion of tyranny and Prerogative, or give us any hopes of being happy in after daies.

And if we do ſoberly conſider it, we have not broken at all the Covenant, nor changed it in any ſpeciall condition of it, but only blotted out an unneceſſary and deſtructive name, and inſerted a more direct medium, for the preſerving the Covenant, and advancing the more noble and beſt intentions of it, and by taking this new engagement (which is ſhort, and plain without ambiguity) we take away the grand obſtruction, and ſet it right in its primitive beauty, and free it from any future hazards or miſinterpretations, the nature of a Common-wealth being to promote common and publique concernment, both of Religion and Liberty.

By this time I hope all men may ſee that (among the moſt) its not conſcience but choler, animoſity, if not malignancy that keeps men from taking the late Ingagement of the Parliament, there being nothing in the Covenant contrary: and ſeeing no man can be obliged unto any act which is contrary to a naturall, and morall good, and that all obligations ceaſe with the firſt reaſons, or conditions on which they were made, it muſt neceſſarily follow that all our Ingagements to the Kings perſon, and Monarchicall Government ceaſe alſo, there being nothing left of reaſon to engage us to them, but our own affections, yea the whole ſtate and nature of perſons and things, being neceſſarily changed from what they were, when we firſt engaged our ſelves, & better & more effectuall waies propounded, we ought to cloſe in with them, and make conſcience of it.

But what need I ſpend time, and put any to paines to read this diſcourſe, when the Aſſembly of Divines have determined the cauſe concerning the obligation of former oaths, and Covenants, in their exhortation to the taking of the ſolemn League and Covenant, ordered by the Parliament to be added to it (*p.* 4.) which is ſpecially ſpoken to perſwade Clergy men from that plea of their former engagements to the Biſhops, as you may read in theſe words.

And as for thoſe Clergy men, who pretend that they above all others cannot covenant to extirpate that Government (meaning Epiſcopall) becauſe they have (as they ſay) taken a ſolemn Oath to obey the Biſhops in licitis & honeſtis: they can tell if they pleaſe, is that they that

that have ſworn obedience to the Laws of the Land, are not thereby prohibited from endeavouring by all lawfull means the abolition of theſe Laws, when they prove inconvenient or miſchievous, and if yet there ſhould be any oath found, unto which any Miniſters or others have entred, not warranted by the Laws of God, and the Land; in this caſe they muſt teach themſelves and others, that ſuch oathes call for repentance, not pertinacy in them.

There needs no Comment on this, its a full-ſolution to all ſuch Pleas which are drawn from former engagements, when new and more neceſſary duties are to be preſently performed, or the former oaths prove miſchievous to more fundamentall and ſpeciall actions. There remains nothing now, if we mean to reconcile the Covenant with it ſelf, and make it whole and entire again (having razed out the grand Erratae of it, and written it over in fairer and more legible Characters, and all ominous expreſſions expunged) but to take the new Ingagement to the Common-wealth of England, and which is the moſt fit Appendix that can be imagined to be added, and the laſt and moſt probable means of preſerving all the ends, and Articles in it; without which we may fondly think to ſatisfie our conſciences, but ſhall never be able to keep the Covenant, it being not rationally to be ſuppoſed, that any thing but Popery, Prelacy, and Malignancy ſhould flouriſh under either the late King or his Succeſſors, who were and are engaged only to theſe intereſts, by education and acquaintance, by contract and relations, by diſpoſition and revenge, yea by all the common ties of friendſhip, and love, yea and of debt and duty alſo: that if we now paſſe this year of *Jubilee*, we deſerve not only to have our ears boared, but our conſciences, and to be made by a divine judgement perfect ſlaves, as we ſhall be by our voluntary conſents.

FINIS.

UMI - 1994

57307

UMI - 199